



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HAMMER, Mordechai

Serial No. : 08/894,211

Filed : July 30, 1997

For : EXTENSIBLE AND RETRACTABLE
ELEMENTS AND VARIOUS USES FOR THE
ELEMENTS

Group Art Unit 3626
Examiner: unknown

Raanana, Israel
August 11, 2002

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181, OR
ALTERNATIVELY 37 CFR 1.182 or 1.183, AS NECESSARY TO
PRESERVE RIGHTS OF APPLICANT

The undersigned, Applicant's attorney, hereby
petitions the Commissioner to take appropriate action in
the above-identified application, and to grant, jointly
or severally, combined or in the alternative, the
requests of the Applicant as follows:

- 1) Applicant hereby petitions that the examination to
be conducted in connection with the concurrently filed
RCE, be handled by a new Examiner, other than Mr.
Anthony Knight.
- 2) Applicant hereby petitions that the Appeal Brief
(filed on Feb. 15, 2002) be entered as part of the

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record in the concurrently filed RCE, specifically, that arguments 14-18 (pages 23-25) thereof serve as the basis for assigning the case to a new Examiner, so as to start afresh, and assure the Applicant of a fairly conducted examination.

- 3) Applicant hereby petitions to preserve for further review his complaints with regard to actions complained of in the Appeal Brief (issues 1-6 and 15-18 therein), and that these complaints not be dismissed as the Examiner has done in the Notification of Non-Compliance with 37 CFR 1.192(c), on the merely technical basis of not having petitioned for relief within 2 months of the action complained of, which actions constitute errors of the Examiner; otherwise, the effect is to allow for self-judgement of the Examiner's actions by the Examiner himself, and this is not in keeping with fairness to the Applicant, who initiated the Appeal precisely to have OTHERS, such as the Board of Appeals, judge the Examiner's actions.

Attached herewith is the fee for this petition in accordance with 37 CFR 1.17(h), of \$130.00.

In the event of an insufficiency or omission in the fee, please contact me immediately so that I may arrange for payment.

Respectfully submitted,


Edward Langer, Atty. for Applicant
Registration No. 30,564